

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSEPH SIEGEL, GENE A. GRANT, §
II, and DAVID L. POWELL, §

Plaintiffs, §

v. §

COMPASS BANK d/b/a BBVA §
COMPASS, §

Defendant. §

Civil Action No. 3:18-CV-01023-X

ORDER

The Court reviewed the declarations filed by BBVA Compass (Compass). [Doc. No. 128]. As the Court indicated in its January 28, 2021 order, it expects that the Rule 37 hearing “will be the last discovery matter the Court must attend to.”¹ To that end, it required Compass to file declarations describing “the steps the witnesses took to comply with the discovery obligations in this case and when they took those steps.”²

But alas, Compass has once again toed the line of compliance. Compass filed declarations from Michael Adler, Rosilyn Houston, Maria Gomez Lucas, and Philip Schubert. But Compass failed to include declarations from Marta Cadenas, Alvaro Aresti, Antonio Ordas, Ricardo Laiseca, or Eva Rubio. Compass designated each of these individuals as witnesses who would testify at trial regarding the 2016 Reduction in Force which is central to this case.

¹ Doc. No. 121 at 3.

² *Id.*

The Court imagines that Compass excluded these relevant witnesses because they are employees of BBVA S.A., and therefore not under the direct control of Compass. But the Court made clear in its February 3, 2021, order that it found that excuse unavailing. Specifically, it explained that “the allegations in this case are that BBVA S.A. made the termination decisions at issue. And employees of BBVA S.A. have produced documents and sat for depositions in light of that dynamic. Given that BBVA S.A. employees have been complying with discovery obligations, the Court trusts BBVA S.A. employees will comply with the Court’s orders.”³

Knowing that the Court found Compass’s excuse for its failure to produce Marta Cadenas unpersuasive, the Court expected that Compass would—at a minimum—file a declaration from Cadenas and the other relevant BBVA S.A. executives. And yet it did not.

The Court therefore **ORDERS** Compass to file declarations from Marta Cadenas, Alvaro Aresti, Antonio Ordas, Ricardo Laiseca, and Eva Rubio describing the steps the witnesses took to comply with the discovery obligations in this case and when they took those steps. Compass must file the declarations by 5pm on February 17, 2021.

IT IS SO ORDERED this 10th day of February 2021.


BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

³ Doc. No. 126 at 3.